

1 STATE OF MINNESOTA

DISTRICT COURT

2 COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

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5 State of Minnesota,
6 Plaintiff,

7 vs.

8 Valerie Jean Johnson,
9 Defendant.

)
) First Appearance/
) Plea Hearing
)
) Court File No.:
) 62SU-CR-19-251
)
) January 22, 2019
) 2:48 p.m.
)
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12 The above-entitled matter came on for hearing
13 before the Honorable Robert A. Awsumb, District Court
14 Judge, at the Ramsey County Law Enforcement Center, City of
15 St. Paul, Minnesota.

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17 A P P E A R A N C E S:

18 Mark Gaughan, Esq., appeared on behalf of the
19 State of Minnesota.

20 Leif Carlson, Esq., appeared with and on behalf
21 of the Defendant, who was personally present.
22

23 COURT REPORTER: Brittany Blesener, RPR
24 brittany.blesener@gmail.com
25 651.266.9179

1 (WHEREUPON, the following proceedings were duly
2 had:)

3 THE CLERK: Page 15, line 49, Valerie
4 Johnson.

5 THE COURT: Hello, Valerie Johnson?

6 THE DEFENDANT: Hello.

7 THE COURT: Let's note appearances.

8 MR. GAUGHAN: Mark Gaughan for New Brighton.

9 MR. CARLSON: Leif Carlson for Valerie
10 Johnson, who is present in custody and qualifies.

11 THE COURT: All right. The public defender
12 is appointed to represent you, ma'am. And we're here
13 for a first appearance in this matter.

14 Mr. Carlson, how would you like to proceed?

15 MR. CARLSON: Judge, we have resolved. By
16 the way, we have received copies of the complaint.
17 Ms. Johnson is prepared now to enter a plea of guilty
18 to Count 2, that's the third degree DWI.

19 THE COURT: Because of a prior or a high
20 reading?

21 MR. CARLSON: No, high reading, .17. It's a
22 first offense, but just a high reading, Judge.

23 THE COURT: Yup. Understood.

24 MR. CARLSON: So the agreement is for no
25 further executed jail time, probation, stayed time.

1 THE COURT: As a gross?

2 MR. CARLSON: She will plead guilty as a
3 gross, Judge, yes.

4 THE COURT: Okay. Three days credit it sound
5 like?

6 MR. CARLSON: Correct.

7 THE COURT: All right. Ms. Johnson, what
8 Mr. Carlson is saying is that you want to enter a
9 guilty plea today; is that correct?

10 THE DEFENDANT: Yes, it is.

11 THE COURT: You understand that by doing that
12 you'd be giving up your right to have a trial?

13 THE DEFENDANT: I do.

14 THE COURT: Have you had enough time to talk
15 with Mr. Carlson about that decision?

16 THE DEFENDANT: I have, yes.

17 THE COURT: Do you have any questions for me?

18 THE DEFENDANT: No, sir.

19 THE COURT: I'm going to ask you to raise
20 your right hand.

21 (Defendant sworn.)

22 THE COURT: You can put your hand down. Is
23 your full name Valerie, V-A-L-E-R-I-E; Jean, J-E-A-N;
24 Johnson, -S-O-N?

25 THE DEFENDANT: Yes.

1 THE COURT: Birthdate August 7, 1958?

2 THE DEFENDANT: It is, yes.

3 THE COURT: Address still 1866 Tioga,

4 T-I-O-G-A?

5 THE DEFENDANT: Yes.

6 THE COURT: And that's in New Brighton?

7 THE DEFENDANT: It is.

8 THE COURT: All right. Do you have a plea
9 petition?

10 MR. CARLSON: I do.

11 EXAMINATION

12 BY MR. CARLSON:

13 Q Ms. Johnson, I'm showing you this document. It's
14 called a petition to enter a plea of guilty. On it I
15 circled the words gross misdemeanor. That's the level
16 of offense you're saying you're guilty to here today.
17 Do you understand that?

18 A I do.

19 Q Before your appearance in court now, did you and I have
20 a chance to sit down together in the back and go
21 through this, both the front and back part?

22 A Yes, we did.

23 Q And when we were together doing that I was filling in
24 the blanks with accurate information?

25 A Yes, sir.

1 Q You understand what this document says?

2 A I do.

3 Q I will highlight a couple of important paragraphs.

4 Paragraph 5 says that you understand by virtue of your
5 plea your conviction on this case, that if you were to
6 come back in the future on another DWI, that a future
7 charge would be more serious and the penalties would be
8 more serious.

9 A I understand that.

10 Q And if you had four such charges in a continued period
11 of time in Minnesota, you could be charged with a
12 felony?

13 A I understand.

14 Q You're a U.S. citizen?

15 A I am.

16 Q Paragraph 8 says that you know you could have a trial
17 to a jury in this case if you wished, and we talked in
18 some detail about what's involved at the jury trial.

19 A We did.

20 Q And you understand when you plead guilty, you're giving
21 up your right have that jury trial?

22 A I do.

23 Q And that's what you wish to do today?

24 A I do.

25 Q I'm turning this over then and showing you the

1 signature above the word "signature of defendant."

2 Whose is that?

3 A That is my signature.

4 MR. CARLSON: We would offer the petition,
5 Judge.

6 MR. GAUGHAN: No objection.

7 THE COURT: All right. Any questions about
8 the rights that you're giving up in connection with
9 your decision to enter a guilty plea?

10 THE DEFENDANT: No, sir.

11 THE COURT: Then I will accept your petition.
12 I find that you freely and voluntarily waive your right
13 to have a trial in this matter. With respect to the
14 charge, Ms. Johnson, that on January 20th of 2019, you
15 operated a motor vehicle with a blood alcohol content
16 of .08 or greater as measured within two hours of
17 driving, do you wish to plead guilty or not guilty?

18 THE DEFENDANT: Guilty.

19 THE COURT: All right. He's going to ask you
20 some questions now about what happened that night.

21 BY MR. GAUGHAN:

22 Q Ma'am, on January 20th, 2019, did you operate a motor
23 vehicle in New Brighton, Ramsey County?

24 A I did.

25 Q Before operating that motor vehicle, did you consume

1 alcoholic beverages?

2 A I did.

3 Q Did the consumption of those alcoholic beverages impair
4 your ability to drive?

5 A Yes, sir.

6 Q While operating that motor vehicle, did you come into
7 contact with police officers?

8 A Yes.

9 Q And are you aware they stopped your motor vehicle for
10 speeding?

11 A Yes.

12 Q While with the officers, did you undertake field
13 sobriety testing?

14 A I did.

15 Q After undertaking the field sobriety testing, did the
16 officers take you into custody?

17 A Yes.

18 Q Did they read to you the Minnesota Implied Consent
19 Advisory?

20 A Yes.

21 Q Did you consent to a chemical breath test of your
22 alcohol concentration?

23 A I did.

24 Q Are you aware that the DataMaster breath test revealed
25 a .17 alcohol concentration within two hours of you

1 driving?

2 A I am.

3 MR. GAUGHAN: Your Honor, is that sufficient?

4 THE COURT: Yeah. You're admitting that you
5 had that level of alcohol in your system when you were
6 tested after driving?

7 THE DEFENDANT: I am.

8 THE COURT: All right. Then I do find there
9 are sufficient facts to establish that you committed
10 the offense alleged in Count 2. We'll dismiss Count 1,
11 find you guilty of Count 2. And with regard to
12 sentencing, anything further from the State?

13 MR. GAUGHAN: No, Your Honor.

14 THE COURT: Mr. Carlson?

15 MR. CARLSON: No, Judge.

16 THE COURT: Ms. Johnson, anything you want to
17 add?

18 THE DEFENDANT: No, sir.

19 THE COURT: So no accident, pulled over for
20 speeding? No priors?

21 THE DEFENDANT: No, sir.

22 THE COURT: Coming from a party or bar?

23 THE DEFENDANT: No crying in court.

24 THE COURT: Okay. You can cry. You don't
25 have to cry. You don't even have to tell me if you

1 don't want to.

2 THE DEFENDANT: No, I'm sorry. I was out
3 with my son, and when you've got a 26-year-old son and
4 you get to spend an evening with him -- we just had too
5 much fun, and I made a stupid mistake. That's the
6 reason why it's called impaired driving, because it
7 starts with impaired judgment. And I apologize.

8 THE COURT: Well, I know. I have a son, 26,
9 who was home for the holidays and I had the same
10 privilege to spend a few nights with him.

11 THE DEFENDANT: It is a privilege.

12 THE COURT: And I do understand what you're
13 talking about. You just gotta make smarter decisions.

14 THE DEFENDANT: Absolutely.

15 THE COURT: All right. So my sentence is as
16 contemplated. I'm going to stay a sentence of 180 days
17 and a fine of \$50 to probation here in Ramsey County
18 for a period of two years, order that you serve 3 days,
19 give you credit for the 3 days that you served, that
20 you complete a CD evaluation and comply with the
21 recommendations, attend a MADD impact panel, have no
22 alcohol-related driving offenses, pay the fine plus the
23 court costs. You're not working?

24 THE DEFENDANT: I work for the city of New
25 Brighton, and then I take care of my mother.

1 THE COURT: You work full time?

2 THE DEFENDANT: No, sir.

3 THE COURT: All right. I will waive the
4 public defender fee and I will waive the CD evaluation
5 fee. And they will talk to your probation officer
6 about this, but generally if you do all of these
7 things, you will be either transferred to an
8 unsupervised probation pretty quickly after completing
9 them or discharged earlier, depending on their policy
10 and your success.

11 THE DEFENDANT: Thank you.

12 THE COURT: All right. Good luck.

13 (WHEREUPON, the proceedings were adjourned at 2:55
14 p.m.)

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1 STATE OF MINNESOTA)
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2 COUNTY OF RAMSEY)

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Be it known that the foregoing proceedings were taken by Brittany Blesener, Registered Professional Reporter, on the 22nd day of January, 2019, at the Ramsey County Law Enforcement Center, St. Paul, Minnesota.

That I was then and there a Notary Public in and for the County of Ramsey, State of Minnesota, and that by virtue thereof, I was duly authorized to administer an oath;

That the proceedings were recorded in stenotype by myself and transcribed into writing by computer-aided transcription, and that the transcript is a true record of the testimony given to the best of my ability;

Dated and signed the 25th day of January, 2019.

/s/ *Brittany Blesener*
Brittany Blesener, RPR
Notary Public, Ramsey County, Minnesota
My commission expires on January 31st, 2024